

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--------------------------------|---|------------------------------------|
| DONTE ANTIONNE MOSS, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Civil Action No. 22-290 |
| |) | Judge Nora Barry Fischer |
| |) | Magistrate Judge Patricia L. Dodge |
| WARDEN ORLANDO HARPER, et al., |) | |
| |) | |
| Respondents. |) | |

ORDER OF COURT

AND NOW, this 12th day of May, 2022, after Petitioner Donte Antionne Moss filed a petition for writ of habeas corpus in the above-captioned matter, (Docket No. [1]), and a Report and Recommendation was filed by United States Magistrate Judge Patricia L. Dodge on April 19, 2022 recommending that the petition be dismissed because the claims for relief that Petitioner asserts in it are not cognizable in a federal habeas proceeding and without prejudice to him asserting his claims in a properly supported § 1983 action, (Docket No. [2]), and directing Petitioner to submit any objections within 14 days, and no objections having been filed by the date of this Order, and upon independent review of the record and consideration of the Magistrate Judge's Report and Recommendation, which is ADOPTED as the opinion of this Court,

IT IS HEREBY ORDERED that the petition for writ of habeas corpus [1] is DISMISSED, without prejudice to Petitioner's ability to assert his claims in a properly supported § 1983 action;

IT IS FURTHER ORDERED that a certificate of appealability is DENIED;

IT IS FURTHER ORDERED that the Clerk of Court shall mark this CASE CLOSED;
and,

FINALLY, IT IS ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

s/ Nora Barry Fischer

Nora Barry Fischer
Senior U.S. District Judge

cc/ecf: United States Magistrate Judge Patricia L. Dodge

All counsel of record.

cc: DONTÉ ANTONNE MOSS
83922
ALLEGHENY COUNTY JAIL
950 Second Avenue
Pittsburgh, PA 15219
(via first class mail).